

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
Eastern Division**

JAMES E. SHELTON,

Plaintiff,

V.

BLINDBID INC., dba TCPA LITIGATOR LIST. et al.,)

Defendants.

Case No.: 1:19-cv-1205

Judge Christopher A. Boyko

AMENDED NOTICE OF REMOVAL

Defendants, Blindbid, Inc. and Michael O'Hare (collectively referred to herein as "Defendants"), by counsel, hereby remove the above-captioned action, Case Number CV 19 914246, currently pending in the Court of Common Pleas of Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. Removal is based upon 28 U.S.C. § 1331, 1441, and 1446. As grounds for removal, Defendants state the following:

1. Plaintiff James E. Shelton (“Plaintiff”) commenced this action on or about April 22, 2019, by filing a Complaint (“Complaint”) with Court of Common Pleas of Cuyahoga County, Ohio (“State Court Action”). The State Court Action was assigned Case Number CV 19 914246.

2. The Complaint alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, among other counts. Accordingly, removal is warranted because this Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331 because the claims arise under the laws of the United States and this Court has original federal question subject matter jurisdiction. This Court can exercise supplemental jurisdiction over any remaining claims under 28 U.S.C. § 1367(a).

3. Removal to this court is proper. Venue for removal is proper in this district under 27 U.S.C. § 1441(a) because Cuyahoga County, Ohio—the forum in which the removed action is pending—lies within this district. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is being filed in this Court, which is the federal district court embracing the state court where the State Court Action was filed.

4. Removal is timely. The Summons and Complaint were first received by Defendants on April 25, 2019. Receipt of the Summons and Complaint was the first notice of the State Court Action received by the Defendants. This Notice of Removal is being filed within (30) days after receipt by Defendants of the State Court Action Complaint. See 28 U.S.C. § 1446(b).

5. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. See 28 U.S.C. § 1446(a).

6. All other procedural requirements have been met.

a. Attached hereto is a copy of the Summons to Blindbid, Inc. as **Exhibit A**.

b. Attached hereto is a copy of the Summons to Michael O'Hare as **Exhibit B**.

c. Attached hereto is a copy of the Complaint as **Exhibit C**.

d. Attached hereto as **Exhibits D and E** is a copy of a May 14, 2019 Motion for Extension of Time to Answer filed Michael O'Hare and a May 16, 2019 Judgment Entry granting same.

e. **Exhibits A - E** constitute all process, pleadings, documents and orders served upon Defendants the State Court Action to date.

f. Attached hereto as **Exhibit F** is a copy of the Notice of Filing of Notice of Removal that Defendants have filed with the Civil Clerk of Court of

Common Pleas of Cuyahoga County, Ohio, and has been served upon the Plaintiff.

WHEREFORE, this action should proceed in the United States District Court for the Northern District of Ohio, Cleveland Division, as an action properly removed thereto.

Dated: May 28, 2019

Respectfully Submitted,

DINN HOCHMAN & POTTER, LLC:

/s/ Benjamin D. Carnahan

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2019, I caused a copy of the foregoing document to be served upon Bryan Anthony Reo, counsel for Plaintiff, via first class mail, postage prepaid, to, PO BOX 5100, Mentor, OH 44060, and by email to reo@reolaw.org.

/s/ Benjamin D. Carnahan

Benjamin D. Carnahan